

**CITY OF FREDERICK
ZONING BOARD OF APPEALS
MEETING MINUTES
February 26, 2013**

MEMBERS PRESENT:	MEMBERS ABSENT:	STAFF PRESENT:
Mr. Racheff Ms. Colby Mr. Hazlett Mr. Marvin Kennedy Mr. Patchan	Mr. Philip Dacey	Gabrielle Dunn, Division Manager of Current Planning Rachel Depo, Assistant City Attorney Lea Ortiz, Office Manager

ANNOUNCEMENTS

For the benefit of the audience and especially the applicants, Mr. Racheff, Chairman, introduced everyone by name and department and explained the Zoning Board of Appeals process.

APPROVAL OF MINUTES:

December 18, 2012

MOTION: Ms. Colby moved to approve the December 18, 2012 hearing minutes as published.
SECOND: Mr. Hazlett
VOTE: 4-0

GENERAL PUBLIC COMMENT

There was no general comment.

CASES TO BE HEARD

ZBA13-52V, Variance, 706 West Patrick Street

Mrs. Dunn read the entire Staff Report into the record.

PUBLIC COMMENTS:

Mr. Richard Griffin, Director of Economic Development for the City wrote a letter in support of the interior setback variance requested by the Applicant to all construction of addition to the principal structure without demolition of an existing non-conforming garage. He felt that this variance request meets the criteria set forth in the LMC. He indicated that the applicant did not

create the problems with this property but their desire is to protect the front, add the addition in the rear with handicap accessible from the rear per ADA requirements.

MOTION: Ms. Colby moved to approve ZBA13-52V, for a variance of 8.2' to the minimum required 10' setback required in the RO district, according to Section 405, Table 405-1 of the Land Management Code and to allow the addition to connect from the main house to the garage at 706 West Patrick Street based on the findings of fact:

1. That granting the variance it is not contrary to the public interest.
2. That although there are not physical characteristics, such as shallowness or shape, that are peculiar to the Property, the circumstances including the need to accommodate ADA accessibility for the proposed use of the Property coupled with the requirements of the Residential Office (RO) zoning district as it applies to additions causes a unique circumstance that presents an undue hardship for the Applicant.
3. That the variance requested is the minimum reasonably necessary based on the existing location of the existing garage.
4. That the literal interpretation of the Code would deprive the Applicant of rights commonly enjoyed by other properties in the same district.
5. That granting the variance will not confer special privileges on the Applicant that are denied by the Code to other lands or structures in the same zoning district.
6. That granting the variance will be in harmony with the general purpose and intent of the Code in that it is consistent with the conversion of properties from residential to office in the RO zoning district.
7. That the Applicant purchased the property with the garage already constructed and that the request is based on the need to comply with the ADA requirements and to accommodate employees of the business and as such, the Applicant has not created, or caused to be created, the situation which has necessitated the variance.

SECONDED: Mr. Patchan

VOTE: 4-0

The meeting adjourned at 8:00 p.m.

Respectfully submitted,

Lea M. Ortiz